CWP No.413 of 2006

6.09.2007 Present: Mr. Suneet Goel, counsel for the petitioner.

Mr. M.S.Chandel, Advocate General along with Mr. Ashutosh Burathoki, Addl. Advocate General for Respondent No.1.

Mr. Ramakant Sharma, counsel for respondent No.2.

Vide judgment dated 15.6.2007 of this Court, we had set aside the elections held on 9.1.2005 and had directed the Registrar, Co-operative Societies to ensure that the elections to the Bara Co-operative and Agriculture and Service Society, Hamirpur are held in accordance with the existing rules and bye laws on or before 20.8.2007. We had further directed the Registrar, Co-operative Societies to ensure that the elections are conducted in accordance with the existing rules and bye laws and he should appoint an officer to over-see the said elections and the officer so appointed by the Registrar, Co-operative Societies, shall issue notice convening the meeting of the General House of the Society and the elections were to be conducted by him in light of the observations made in the said judgment. We had also directed that the entire election process be completed peacefully on or before 31.8.2007.

Affidavit has been filed by the Registrar in which it is stated that the meeting of the General House was fixed on 20.8.2007. This meeting was convened by notice issued on 5.8.2007. However, according to the Registrar, on 20.8.2007 at 11.00 A.M., only 8 members were present and the quorum was not complete.

The Assistant Registrar who had been appointed as Officer to conduct the elections waited for one hour in terms of Rule 30 of the H.P. Co-operative Societies Rules, 1971. At 12.00 noon, only 70 members of the Society were present as against the total strength of 968 members. Since the quorum of 1/3rd as required under Rule 30(1) of the H.P. Co-operative Society Rules was not complete, the elections could not be held.

It has been pointed out to us that Rule 30(3) of the H.P. Co-operative Societies Rules, 1971 has been amended and even for an adjournment of meeting the requirement of quorum is 1/5th of the total members.

The Registrar, Co-operative Societies has already with him the list of eligible members. We direct that the Registrar or his nominee, as postulated in our previous order, shall issue notice to all the members of the Society within 15 days (latest by 20.9.2007) and shall fix the meeting of the General House of the Bara Co-operative and Agriculture and Service Society on 3.10.2007 at 11.00 A.M. on which date, the only agenda will be for holding the elections to the Managing Committee of the Society. In case the quorum of 1/3rd members is not present on the said date, the meeting shall be first adjourned till 12.00 noon. If the quorum is still not available, the meeting shall be adjourned to 15.10.2007 and the Officer shall issue notice of the meeting to all the members. In case the quorum is not available on 15.10.2007 also, it will be presumed that the members are not interested in electing a

Managing Committee and the Registrar, Co-operative Societies shall ensure that an Administrator is appointed to take over and manage the affairs of the Society by 31.10.2007.

The affidavit in compliance be filed on or before 3.11.2007 and the matter be listed on 6.11.2007.

Copy **Dasti.**

(Deepak Gupta),J.

6th September, 2007 (V.K.Ahuja),J
(sds)